INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR)  
and  
CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)  

Submission to the 110th Session of the Human Rights Committee for the attention of the Country Report Task Force on NEW ZEALAND  
(Military service, conscientious objection and related issues)  

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Basic information  

Population (November 2012, estimated\(^1\))  
4,328,000  

Conscription was in force 1916-29, 1940-45, and 1949-73. There was provision for conscientious objection. All military service is now voluntary.  

Minimum recruitment age: 17  

Manpower reaching “militarily significant age” in 2010\(^2\):  
30,846  
Armed forces active strength, November 2012\(^3\):  
as a percentage of the number of men reaching “military age”  
8,550  
27.7%  

Military expenditure US $ equivalent, 2012\(^4\)  
$1,891m  
Per capita  
$436  
As % of GDP  
1.1%  

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\(^1\) Source: The Military Balance 2013 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.  
\(^2\) Source: CIA World Factbook. [https://www.cia.gov/library/publications/the-world-factbook/index.html](https://www.cia.gov/library/publications/the-world-factbook/index.html). The CIA defines “militarily significant age” as 16. However its estimates have not been updated since 2010 and therefore relate to the cohort of the male population reaching 19 (a more common recruitment age in most countries) in 2013. This figure is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.  
\(^3\) As quoted by the International Institute of Strategic Studies in The Military Balance 2013.  
\(^4\) Stockholm International Peace Research Institute (SIPRI), April 2013
Background

New Zealand was among the earliest States to make legislative provision for conscientious objection. The New Zealand Defence Amendment Act of 1912 allowed conscientious objectors to apply for a certificate of exemption from military training and service. These provisions were not initially repeated when in the wartime conditions of 1916 a new universal compulsory military training scheme was applied to all men between the ages of 14 and 25, but some exemptions for conscientious objectors were gradually reinstated. When conscription was reintroduced in 1940 it was accompanied by detailed provisions for the recognition of conscientious objectors. These remained in force until the legislation authorising conscription was repealed in 1973. Any reintroduction of obligatory military service would require specific legislation.

New Zealand also had the distinction of being, on 12th December 2001, the tenth State to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), which thereby came into force on 12th February 2002, and the following year to have been the first State to report under that OPAC to the Committee on the Rights of the Child.

Recruitment ages

When considering New Zealand's report under OPAC, the Committee on the Rights of the Child expressed concern that the minimum age for voluntary recruitment was set at 17, and suggested in its concluding observations, that consideration be given to raising this age to 18. It meanwhile suggested legislative amendments to remove any ambiguity about whether the minimum age limit was absolute, and to make it clear that the prohibition on deployment of persons under the age of 18 on active service should apply within as well as outside New Zealand. It also requested more detail on the role of the Cadet Force in promoting military recruitment.

New Zealand responded to these recommendations in its subsequent report under the Convention on the Rights of the Child itself. As suggested by the Committee, it had amended the Defence Act and the Guardianship Act so as to make it unambiguous that the minimum age of 17 applied in all circumstances. Section 37 of the Defence Act had also been amended by deleting the word “overseas” so that it simply stated that no person under the age of 18 would be liable for active service. Moreover the “Defence Force Orders for Personnel Administration (DFO 4)” had been amended to read: “Service members are not to be posted on active service unless they have reached the age of 18 years. In addition, Service members under 18 years of age are not to be posted on operational service outside New Zealand.”

“The effect of these amendments”, it is claimed, “is to ensure that members of the New Zealand

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8 CRC/C/OPAC/CO/1, 3 October 2003, para 7.
9 Ibid
10 Ibid, para 5.
11 CRC/C/NZL/3-4, 14th June, 2010, para 481.
12 Ibid, para 479
13 Ibid, para 478
Defence Force (NZDF) who have not reached the age of 18 years do not take a direct part in any hostilities, irrespective of whether the deployment meets the definition of active service or not.”14 This would indeed seem to answer the reported concern that as “active service” was not defined in the Defence Act, it might be interpreted as not covering peacekeeping missions.15

On the possibility of raising the minimum recruitment age to 18, however, New Zealand simply reiterated the position it had taken in 2003. Three specific reasons were cited:

“Recruitment in the Armed Forces has offered young people, particularly from lower socio-economic groups, the opportunity to succeed in an environment where all recruits start on an equal footing. Ground level entry and skill development provided by the Armed Forces is often not readily available on the same level elsewhere in New Zealand.

“Raising the minimum age to 18 years could disadvantage school leavers who wish to take up indentured trades within the Armed Forces, therefore preventing minors from having a right to pursue the career of their choice. There is therefore the risk of losing those school leavers to other areas of employment or study which do not impose age restrictions.

“Since 2002, over 1,700 under 18 year olds have enlisted in the regular forces. A move to restrict recruiting to those aged 18 years or older would prevent an average of 24% of potential recruits from joining the Armed Forces.”16

These arguments are not altogether convincing. The first, that there is a lack of other employment opportunities, particularly involving the development of skills, for those who leave school at the minimum age with few or no qualifications, is contradicted by the second, which implies that if unable immediately to join the Armed Forces such persons will take other options. The final sentence assumes that those recruits who currently join the armed forces at the age of 17 would not do so if obliged to postpone by a maximum of a year. Questionable though this is in itself – and it reveals a singular lack of confidence in the attractiveness of military careers – it makes it clear that the paramount concern is the ease of recruitment, not the interests of the individuals concerned. No explanation is given of why the “social mobility” function of career development from “ground-level entry” should not function just as effectively starting at age 18. And as for the argument that inability to join the Armed Forces at 17 can in some cases interfere with the “right to pursue the career of their choice”, this is immediately inverted by reference to “a risk of losing those school leavers to other areas of employment or study.”

In its responses about the cadet force, New Zealand was at pains to state “While a number of cadets do go on to join one of the Services, recruitment for the NZDF [New Zealand Defence Forces] is not one of the aims of the NZCF [New Zealand Cadet Force].” Figures were unavailable, but “anecdotally” some 20% of armed forces recruits had been in the Cadet Force, which “is not part of the NZDF, but is directed by the Chief of the Defence Force on behalf of the Minister of Defence and is supported by the NZDF in partnership with the community.” One of its three official aims was to “Promote an awareness of the Armed Forces and the role they play in the community.” The overall impression is that even if the Cadet Force does not have a direct recruiting function, its raison d’êtrê is to dispose young people from the age of 13 upwards favourably towards the prospect of recruitment.

In this it is paralleled by an advertising campaign by the armed forces “including a 'new push' to get kids thinking about 'exciting opportunities' in the military.”17 An answer to a parliamentary question in the 2011 revealed that NZ$20m had been spent on recruitment advertising over the previous three and a further NZ$15m over the next three years (approximately $16m and $12m US

14 Ibid, para 480
16 Ibid, para 482.
at 2011 exchange rates). “Part of this budget would include a new TV reality show aimed at children (…) called Operation Hero. Defence Force director of strategic recruitment, Commander Nigel Philpott, said continuous recruiting prevented a 'black hole' in training. 'One of the scenes is 12-year-old kids jumping out of aeroplanes in a tandem parachute,' Philpott said. 'It's a very exciting TV show which is going to engage a new generation of people to just think about exciting opportunities. It's linked to a youth website called operation HQ.”

The emphasis on attracting children towards a military career at an early age may be partly explained by another argument made in New Zealand's initial report to the Committee on the Rights of the Child under the Optional Protocol: “Analysis shows that there is an inverse relationship between the age on enlistment and retention after five years of service.” Again, it is by no means self-evident that those who currently enlist at the earliest age possible would prove less committed to a military career if the age concerned were to change.

If recruitment into armed forces of persons aged under 18 were inherently difficult, the Optional Protocol to the Convention on the Rights of the Child would not itself have been so urgently necessary. That such recruitment has hitherto proved relatively easy does nothing to invalidate the principle that military recruitment is not in the best interests of persons who are still at an age when they are technically children. The comments of the Coalition to Stop the Use of Child Soldiers with regard to policy in the United Kingdom are equally valid regarding the arguments put forward by New Zealand: “they are based on an assumption [regarding] the ideal minimum age for recruitment without questioning whether the advantages of joining the armed forces could be maintained (or even enhanced), and some of the disadvantages eliminated, if the minimum recruitment age was raised. Raising the minimum recruitment age to 18 would not deny a military career to young people, but would rather bring it into line with standards for other hazardous work. In this context, it must be recalled that the hazards of armed forces life are not restricted to deployment in hostilities. Training and working in the armed forces is inherently dangerous.”

Conscientious objection

Even in States which have in the past recognised a right of conscientious objection for conscripts, but which now have all-volunteer armed forces, there is very rarely any information about what procedures would be followed in the case of a “professional” member of the armed forces who, either as the result of a specific religious conversion or of personal experience and reflection, developed a conscientious objection to military service and applied for release on these grounds. New Zealand is no exception. The young recruitment age makes it particularly likely that some of those who initially volunteered may find their views changing as they mature.

Suggestions for the List of Issues

It is suggested that the State Party be asked whether it is continuing to keep under review the necessity for retaining a minimum age of 17 for purposes of military recruitment. Given in particular the number of young recruits, whose beliefs and values may still be in the process of maturing, the State Party might be further asked what procedure would be followed should a serving member of the armed forces seek release, having developed conscientious objections to such service. Have any such cases occurred?

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18 Ibid.
19 CRC/C/OPAC/NZL/1, para II, C, 5
20 Coalition to Stop the Use of Child Soldiers, Catch 16-22: Recruitment and retention of minors in the British armed forces London 2011, p.11.